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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Subpart D of)
Part 68 of the FCC's Rules)
and Regulations)

RM - 8621

NYNEX COMMENTS

The NYNEX Telephone Companies¹ submit these comments on the Petition for Rulemaking filed by the Telecommunications Industry Association (TIA), which the Commission issued for comment on March 27, 1995.

I. INTRODUCTION AND SUMMARY

The Telecommunications Industry Association requests that the Commission initiate a rulemaking proceeding to amend Part 68 in order to harmonize these rules with corresponding sections of the Canadian certification regulations, CS-03. NYNEX believes the proposed amendments are in the public interest because they will encourage free trade, lead to greater efficiencies in manufacturing terminal equipment, assure the continued reliability of the public switched network, and streamline the Part 68 registration process. NYNEX therefore supports TIA's petition for a rulemaking.

¹ New England Telephone and Telegraph Company and New York Telephone Company (NYNEX).

II. Discussion

The Telecommunications Industry Association proposes a rulemaking to amend Subpart D of Part 68, 47 CFR §§ 68.300-68.318, in order to “harmonize” these provisions with the corresponding sections of the Canadian certification regulations, CS-03. That is, the amendments, in conjunction with similar efforts in Canada, align the technical requirements of both countries. As TIA points out, the proposed amendments, which represent over four years of efforts in which a broad range of industry representatives from both the United States and Canada participated, will lead to greater efficiencies.

At present, terminal equipment manufactured for use in the United States must comply with the technical requirements contained in Part 68. Similarly, terminal equipment manufactured for use in Canada must conform to the technical requirements contained in CS-03. Each country’s respective technical requirements differ sufficiently that terminal equipment complying with one set of regulations does not necessarily comply with the technical requirements of the other country. The result is an undue burden on manufacturers, and a *de facto* barrier to trade that is inconsistent with the goals of the North American Free Trade Agreement (NAFTA).

Under the amendments proposed by TIA, the technical requirements of Part 68 and CS-03 would be harmonized so that a manufacturer in one country can design terminal equipment to a single, consistent set of technical standards accepted in the United States and Canada. Additionally, the manufacturer can test the equipment to

establish compliance for certification or registration in either the United States or Canada. The amendments thus promote manufacturing and marketing efficiencies and freer trade.

As a local exchange carrier, NYNEX monitored the development of the proposed amendments to assure that the standards developed would neither impair the reliability or integrity of the United States public switched network, nor impose burdensome costs by requiring any undue alterations to the network. NYNEX is satisfied that the proposed rules meet these concerns, and therefore supports TIA in its petition for a rulemaking.²

NYNEX agrees with TIA that the Commission should promptly grant the Petition, and expedite its rulemaking. The proposed amendments have already been the subject of substantial consideration. As noted above, they represent a four year broad-based industry effort. Participants have included carriers, manufacturers, laboratories and consultants. The Commission's Domestic Facilities Staff has been kept apprised of the rules through the "FCC and Industry Part 68 Administrative Procedures Ad Hoc Working Group." The Commission should recognize the cooperative effort within the industry by acting promptly in granting TIA's Petition. Further, as TIA points out, an expeditious

² The efficiencies gained by the proposed rules should streamline the Part 68 process. As noted in other proceedings, NYNEX generally supports the streamlining of Part 68. *See, e.g.*, NYNEX Comments, CC Docket 93-268, RM 7815 & RM 6147 (February 10, 1994), p. 5. In NYNEX's view, since the adoption of Part 68 registration rules, technology has evolved and the burden of keeping Part 68 current has increased. Notwithstanding the Commission's efforts, revisions of Part 68 have lagged behind technological evolution. In order to reduce the burden on the Commission's limited resources and to better permit the rules to reflect current technology, the Commission should consider streamlining the existing Part 68 Rules to reflect general minimal standards to ensure public safety and that no harm is caused to the public network. Beyond these general safeguards, the Commission should look to standards bodies and the industry to develop the appropriate standards to guide the ongoing evolution of technology in a timely manner. Furthermore, tariffs and references to public technical specifications can more than adequately provide a means of introducing new guidelines on a national, regional and/or local basis.

proceeding will demonstrate "the commitment of the United States to barrier-free trade in North America."³

IV. CONCLUSION

NYNEX believes the amendments to Part 68 proposed by TIA will serve the public interest by eliminating unnecessary technical impediments to cross border trade between the United States and Canada, and by promoting the efficient manufacturing of terminal equipment.

WHEREFORE, for the reasons set forth above, the Commission should grant the Telecommunications Industry Association's Petition, and promptly initiate a rulemaking to amend Part 68.

Respectfully submitted,

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